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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,753	05/04/2005	Nathalie Dorothee Pieternel Leurs	NL 021107	6704
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER LEWIS, ALICIA M	
			ART UNIT 2164	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/533,753

Applicant(s)

LEURS, NATHALIE DOROTHEE  
PIETERNEL

Examiner

Alicia M. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
SAM RIMELL  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to communication filed February 16, 2007.

Claims 1, 3, 5, 7, 8 and 15-17 have been amended, and claim 10 has been canceled.

Claims 1-9 and 11-18 remain pending in this application.

#### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The term "computer-readable medium" used in claim 16 does not appear in the specification.

#### ***Claim Objections***

2. Claims 3 and 5 objected to because of the following informalities: the word "if" in line 2 of the claims should be changed to the word "that" to reflect amended claim 1. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4 and 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 4 recites the limitation "before deciding whether to modify the user preference profile." However, there is no longer a deciding step in amended claim 1; the user preference profile is always modified. Therefore, claim 4 contradicts claim 1. Appropriate correction is required.

6. Claim 6 recites the limitation "before deciding whether to modify the user preference profile." However, there is no longer a deciding step in amended claim 1; the user preference profile is always modified. Therefore, claim 6 contradicts claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

*de* 8. <sup>1-8, 11-15</sup> Claims ~~1-15~~ are directed to a method of providing a recommendation of content to a user. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed

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subject matter provides for modifying a user profile. This produced result remains in the abstract and, thus fails to achieve the required status of having real world value.

9. Furthermore, claim 16 is not limited to tangible embodiments. In view of applicant's disclosure, specification page 13, lines 10-17, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., hardware) and intangible embodiments (e.g., computer software). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. There is no evidence in the specification that supports that the medium is limited to tangible embodiments, in fact, the term "computer-readable medium" does not even appear in the specification.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-9 and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Crabtree et al. (US Patent Application Publication 2004/0039814 A1) ('Crabtree').

With respect to claims 1 and 16, Crabtree teaches:

determining a user preference profile (paragraph 63);  
detecting a content item interest (paragraphs 69 and 75);  
determining that the content item interest does not correspond to the user preference profile (paragraph 77);  
determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile (paragraphs 77-81);  
determining that other content items of the temporary user preference profile achieve high user preference values (paragraphs 56, 87-88 and 35); and  
modifying the user preference profile to reflect the temporary user preference profile (paragraphs 82-88).

With respect to claim 2, Crabtree teaches wherein a number of preference content items associated with the temporary user profile are recommended to the user (paragraphs 56 and 75).

With respect to claim 3, Crabtree teaches wherein the step of determining if other content items achieve a high user preference value comprises determining a selection rate of the preference content items (paragraphs 87 and 88).

Paragraphs 56 and 75 teach that more than one interest may be suggested to the user, and paragraphs 87 and 88 teach determining a selection rate for content items.

With respect to claim 4, Crabtree teaches wherein the number of preference content items recommended before deciding whether to modify the user preference profile depends on the selection rate (paragraphs 87 and 88).

With respect to claim 5, Crabtree teaches wherein the step of determining if the other content items achieve a high user preference value comprises determining a user rating of at least some of the preference content items (paragraph 165).

With respect to claim 6, Crabtree teaches wherein the number of preference content items recommended before deciding whether to modify the user preference profile depends on the user rating of at least some of the preference content items (paragraphs 88 and 165).

With respect to claim 7, Crabtree teaches further comprising the step of modifying the temporary user preference profile in response to the user preference values of the other content items (paragraph 81-86 and 165).

With respect to claim 8, Crabtree teaches wherein the modification of the user preference profile is realized by including a user preference profile addition (paragraphs 86 and 87).

With respect to claim 9, Crabtree teaches wherein the user preference profile addition is temporary (paragraphs 56 and 70).

With respect to claim 11, Crabtree teaches wherein the content item interest is detected from a detection of a user selection of a content item (paragraphs 65, 69 and 100).

With respect to claim 12, Crabtree teaches further comprising the step of recommending the content item for initial selection (paragraph 69).

With respect to claim 13, Crabtree teaches wherein the recommendation of the content item is in response to an increase of preference values of other users for content items associated with the content item (paragraphs 33 and 69, claim 7).

With respect to claim 14, Crabtree teaches further comprising the step of receiving topic interest information from an external source and wherein the content item interest is detected in response to the topic interest information (paragraphs 54 and 69).

With respect to claim 15, Crabtree teaches wherein the external source comprises at least one source chosen from the group of newspapers, websites, and broadcast sources (paragraph 69).



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With respect to claim 17, Crabtree teaches:

a recommender processor for determining a user preference profile (paragraph 63);

a user interface controller for detecting a content item interest after receiving a selection of multiple content items (paragraphs 69 and 75);

wherein the recommender processor is operable to:

determine that the content item interest does not correspond to the user preference profile (paragraph 77);

determine a temporary user preference profile in response to the content item interest failing to correspond to the user preference profile (paragraphs 77-81); and

determine that other content items associated with the temporary user preference profile achieve high user preference values (paragraphs 56, 87-88 and 35);  
and

modify the user preference profile to reflect the temporary user preference profile (paragraphs 82-88).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crabtree et al. (US Patent Application Publication 2004/0039814 A1) ('Crabtree') in view of Huper-Graff et al. (US Patent Application Publication 2004/0044677 A1) ('Huper-Graff').

With respect to claim 18, Crabtree teaches a recommender as claimed in claim 17.

Crabtree does not teach a private video recorder.

Huper-Graff teaches a method of personalizing information and services from various media sources (see abstract), in which he teaches a private video recorder (paragraph 2 lines 12-16).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Crabtree by the teaching of Huper-Graff because a private video recorder would enable classification of information sources (content and services alike) to provide the user with personalized data content recommendations (Huper-Graff, paragraph 8). Furthermore, Crabtree's recommendation system could be used with television, wherein the PVR would follow user behavior and record what seems to be relevant shows for the user.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant states that a Supplemental Information Disclosure Statement is attached with the specified reference, however no Supplemental Information Disclosure Statement or reference has been attached. Therefore, the information referred to therein has not been considered.

### ***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-

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5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis  
September 6, 2007

  
SAM RIMELL  
PRIMARY EXAMINER